

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, Plaintiff, v. BERQUIS TORRES-HERNANDEZ Defendant.	CIVIL NO.: 19-1615
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COMPLAINT FOR CONSENT JUDGMENT

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through the undersigned attorneys, and very respectfully alleges and prays:

1. Jurisdiction of this action is conferred on this Court by 28 U.S.C. § 1345.

2. Defendant in this case, Berquis Torres-Hernandez (“Torres-Hernandez”), was a caregiver and authorized signatory for the Veterans Affairs (“VA”) benefits received by Solange Vera, a recipient of VA Dependency and Indemnity Compensation Benefits (“DIC”), under 38 U.S.C. § 1318(b) (38 CFR § 3.22 - DIC Benefits for Survivors of Certain Veterans). Berquis Torres-Hernandez is currently employed at a health care facility in the municipality of Bayamon, Puerto Rico, and also resides in the same municipality.

3. VA DIC beneficiary Solange Vera passed away on November 7, 2009.

4. After Solange Vera passed away, her caregiver and VA DIC signatory Torres-Hernandez failed to notify the VA of the death of Solange Vera and instead of returning the VA DIC benefit payments received after her death, continued to endorse and cash the VA DIC benefit

checks issued to Solange Vera from on or about December 1, 2009 until on or about December 1, 2016.

5. The total amount of VA DIC benefit payments of Solange Vera that Torres-Hernandez illegally cashed amounts to the sum of \$128,106.00. The United States contends that the presentation of the checks for payment, and the subsequent cashing of the checks constitute the submission of false claims under the False Claims Act, 31 U.S.C. §§ 3729 et seq., and as such requests that a civil monetary penalty of \$10,781.00 be assessed against Torres-Hernandez.

6. On June 20, 2019, the parties in this action reached a Settlement Agreement and executed a Stipulation for Consent Judgment in which Torres-Hernandez agreed to pay \$138,887.00 in U.S. Currency, as damages and civil monetary penalties, to be paid off subject to an installment payment plan.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully prays this Honorable Court for judgment against defendant Torres-Hernandez, in the principal amount of \$138,887.00; plus interest at the prevalent legal rate from the date of judgment in the event defendant defaults as provided in the Settlement Agreement; in addition to costs and attorney fees or the 10% surcharge imposed by law if plaintiff is forced to use the remedies provided under subchapters B or C of the Federal Debt Collection Procedures Act of 1990. 28 U.S.C. § 3011.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 25th day of June of 2019.

ROSA EMILIA RODRIGUEZ -VELEZ
United States Attorney

/s Jorge L. Matos

Jorge L. Matos
Assistant U.S. Attorney
Civil Division
USDC No. G01307
Torre Chardon, Room 1201
350 Carlos Chardon Avenue
San Juan, PR 00918
Tel. (787) 766-5656
Fax. (787) 766-6219
E-mail: Jorge.L.Matos2@usdoj.gov

ATTACHMENT 1: CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (*SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM*)

I. (a) PLAINTIFFS UNITED STATES OF AMERICA		DEFENDANTS BERQUIS TORRES-HERNANDEZ																									
(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>																									
(c) Attorneys (Firm Name, Address, and Telephone Number) Jorge L. Matos, Assistant U.S. Attorney U.S. Attorney's Office, 350 Chardon Ave., Suite 1201 Hato Rey, PR 00918 Te: (787) 766-5656		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.																									
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <i>(For Diversity Cases Only)</i>																									
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	Citizen of This State	<input type="checkbox"/> PTF 1 <input type="checkbox"/> DEF 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4 <input type="checkbox"/> DEF 4																							
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	Citizen of Another State	<input type="checkbox"/> PTF 2 <input type="checkbox"/> DEF 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> PTF 5 <input type="checkbox"/> DEF 5																							
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF 3 <input type="checkbox"/> DEF 3 Foreign Nation	<input type="checkbox"/> PTF 6 <input type="checkbox"/> DEF 6																							
IV. NATURE OF SUIT (Place an "X" in One Box Only)		Click here for: Nature of Suit Code Descriptions.																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>CONTRACT</th> <th>TORTS</th> <th>FORFEITURE/PENALTY</th> <th>BANKRUPTCY</th> <th>OTHER STATUTES</th> </tr> <tr> <td> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise </td> <td> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - 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V. ORIGIN (Place an "X" in One Box Only)																											
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VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (<i>Do not cite jurisdictional statutes unless diversity</i>): 28 USC 1345																									
		Brief description of cause: Collection of Money																									
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.		DEMAND \$ 138,887.00	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																						
VIII. RELATED CASE(S) IF ANY		<i>(See instructions):</i>		DOCKET NUMBER _____																							
DATE 06/25/2019		SIGNATURE OF ATTORNEY OF RECORD																									
FOR OFFICE USE ONLY																											
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE																							

ATTACHMENT 2: CATEGORY SHEET

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

CATEGORY SHEET

You must accompany your complaint with this Category Sheet, and the Civil Cover Sheet (JS-44).

Attorney Name (Last, First, MI): Matos, Jorge L.

USDC-PR Bar Number: 601307

Email Address: Jorge.L.Matos2@usdoj.gov

1. Title (caption) of the Case (provide only the names of the first party on each side):

Plaintiff: United States of America

Defendant: Berquis Torres-Hernandez

2. Indicate the category to which this case belongs:

Ordinary Civil Case

Social Security

Banking

Injunction

3. Indicate the title and number of related cases (if any).

4. Has a prior action between the same parties and based on the same claim ever been filed before this Court?

Yes

No

5. Is this case required to be heard and determined by a district court of three judges pursuant to 28 U.S.C. § 2284?

Yes

No

6. Does this case question the constitutionality of a state statute? (See, Fed.R.Civ. P. 24)

Yes

No

Date Submitted: 6/25/19